

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING
COMMISSION OF THE
NORTH CAROLINA STATE BAR
11 DHC 15

THE NORTH CAROLINA STATE BAR,

Plaintiff,

vs.

GARY B. KIVETT, Attorney,

Defendant.

ANSWER TO AMENDED COMPLAINT

NOW COMES the Defendant, Gary B. Kivett, answering the Amended Complaint of the Plaintiff, alleges and says:

1. The allegations contained in paragraph 1 of Plaintiff's Amended Complaint are admitted.
2. The allegations contained in paragraph 2 of Plaintiff's Amended Complaint are admitted.
3. The allegations contained in paragraph 3 of Plaintiff's Amended Complaint are admitted.
4. The allegations contained in paragraph 4 of Plaintiff's Amended Complaint are admitted.
5. The allegations contained in paragraph 5 including subparagraphs (a) through (c) of the Amended Complaint are denied.
6. The allegations contained in paragraph 6 of Plaintiff's Amended Complaint are denied.
7. The allegations contained in paragraph 7, including subparagraphs (a) through (b) of Plaintiff's Amended Complaint are denied.
8. The defendant is without sufficient information with which to form a belief as to the truth of the allegations contained in paragraph 8. As such, I said allegations are denied.

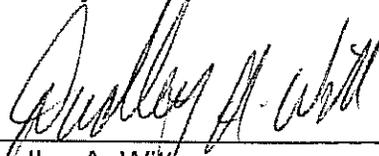
9. The allegations contained in paragraph 9 of Plaintiff's Amended Complaint are denied.
10. The allegations contained in paragraph 10 of Plaintiff's Amended Complaint are admitted.
11. The allegations contained in paragraph 11 of Plaintiff's Amended Complaint are denied.
12. The allegations contained in paragraph 12 of Plaintiff's Amended Complaint are admitted.
13. The allegations contained in paragraph 13 of Plaintiff's Amended Complaint are denied.
14. The allegations contained in paragraph 14 of Plaintiff's Amended Complaint are denied.
15. The allegations contained in paragraph 15, including subparagraphs (a) through (c) of Plaintiff's Amended Complaint are denied.
16. The first sentence of paragraph 16 of Plaintiff's Amended Complaint is admitted. It is also admitted that S.R. was arrested for failure to pay child support but it is denied that Defendant represented him on that matter.
17. The allegations contained in paragraph 17 of Plaintiff's Amended Complaint are admitted.
18. The allegations contained in paragraph 18, including subparagraphs (a) through (b) of Plaintiff's Amended Complaint are denied.
19. It is admitted that defendant advised Mrs. R that if she retained him by paying a \$500.00 fee he would make efforts to have Mr. R's bond reduced. However, Mrs. R never retained the defendant on behalf of Mr. R in relation to his being arrested for failure to pay child support.
20. It is admitted that Mrs. R nor Mr. R retained him in relation to Mr. R's arrest for failure to pay child support.
21. The allegations contained in paragraph 21 of Plaintiff's Amended Complaint are admitted.
22. The allegations contained in paragraph 22 of Plaintiff's Amended Complaint are denied.

THEREFORE, having answered the allegations in Plaintiff's Amended Complaint, the defendant denies violating the Revised Rules of Professional Conduct, as alleged in paragraphs (a) through (d) of said claim.

WHEREFORE, having answering the like numbered paragraphs of the plaintiff, the defendant respectfully requests that the Complaint of the plaintiff be dismissed, with prejudice, and that the North Carolina State Bar be denied any disciplinary action as a result of the allegations contained in the Complaint.

This the 31st day of August, 2011.

CRUMPLER FREEDMAN PARKER & WITT
Attorneys for the Defendant



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Tel.: 336-725-1304

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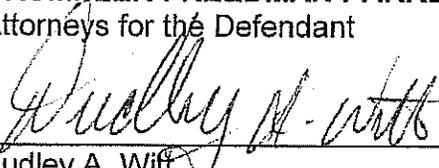
CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is attorney for the Defendant and is a person of such age and discretion as to be competent to serve process.

That on the 31st day of August, 2011, he served a copy of the attached **ANSWER TO AMENDED COMPLAINT** by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail at Winston-Salem, North Carolina.

ADDRESSEE: Ms. Margaret Cloutier
The North Carolina State Bar
PO Box 25908
Raleigh, NC 27611

CRUMPLER FREEDMAN PARKER & WITT
Attorneys for the Defendant



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